

UNITED STATES DISTRICT COURT
for
EASTERN DISTRICT OF NORTH CAROLINA
SOUTHERN DIVISION

U.S.A. vs. Brian Sholar

Docket No. 7:00-CR-128-1F

Petition for Action on Supervised Release

COMES NOW Djeni B. Barrett, probation officer of the court, presenting a petition for modification of the Judgment and Commitment Order of Brian Sholar, who, upon an earlier plea of guilty to Conspiracy to Possess With Intent to Distribute and Distribute in Excess of 500 Grams of a Mixture of Methamphetamine, in violation of 21 U.S.C. § 846, was sentenced by the Honorable James C. Fox, Senior U.S. District Judge, on April 2, 2001, to the custody of the Bureau of Prisons for a term of 151 months. It was further ordered that upon release from imprisonment the defendant be placed on supervised release for 60 months under the standard conditions adopted by the court and the following additional conditions:

1. The defendant shall participate as directed in a program approved by the probation office for the treatment of narcotic addiction, drug dependency, or alcohol dependency which will include urinalysis testing or other drug detection measures and may require residence or participation in a residential treatment facility.
2. The defendant shall consent to a warrantless search by a United States Probation Officer or, at the request of the probation officer, any other law enforcement officer, of the defendant's person and premises, including any vehicle, to determine compliance with the conditions of this judgment.
3. The defendant shall pay a special assessment of \$100.00 and a fine of \$8,100.00.

Brian Sholar was released from custody on September 14, 2010, at which time the term of supervised release commenced.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:

On September 4, 2012, a Violation Report was submitted to the Court reporting the defendant had been charged with Assault on a Female. The probation officer recommended, and the Court agreed, to allow supervision to continue pending adjudication of the state charge. On November 14, 2012, the charge was dismissed by the Duplin County District Attorney's office as the victim (defendant's wife) did not wish to pursue prosecution.

The defendant is married and lives in Chinquapin, North Carolina, with his wife and step-daughter. He is employed as a truck driver with Craven AG Services in New Bern, North Carolina. Following the incident outlined above, the defendant sought mental health treatment through East Coast Psychiatric Care in Kenansville, North Carolina. The defendant reported his insurance will not cover the costs of anger management and the sessions cost \$65 per visit, which is an additional financial hardship for the defendant and his family.

Consequently, the probation officer is recommending supervision be modified to include mental health treatment. The proposed modification will serve as a sanction for the violation conduct and provide needed assistance to the defendant in obtaining mental health counseling services as afforded by a contractual agreement between the U.S. Probation Office Coastal Carolina Neuropsychiatric Center.

The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

PRAYING THAT THE COURT WILL ORDER that supervised release be modified as follows:

The defendant shall participate in a program of mental health treatment, as directed by the probation office.

Except as herein modified, the judgment shall remain in full force and effect.

Reviewed and approved,

I declare under penalty of perjury that the foregoing is true and correct.

/s/ Dwayne K. Benfield
Dwayne K. Benfield
Supervising U.S. Probation Officer

/s/ Djoni B. Barrett
Djoni B. Barrett
U.S. Probation Officer
200 Williamsburg Pkwy, Unit 2
Jacksonville, NC 28546-6762
Phone: 910-347-9038
Executed On: January 3, 2013

ORDER OF COURT

Considered and ordered this 4 day of January, 2013, and ordered filed and made a part of the records in the above case.

James C. Fox
James C. Fox
Senior U.S. District Judge